

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA §
§
V. § NO. 1:07-CR-106
§
§
GARRY W. GIBSON §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This case is assigned to Hon. Thad Heartfield, Chief Judge. Defendant's motion to suppress filed December 27, 2007 is referred to the undersigned for report and recommendation.¹

On March 13, 2008, counsel for the movant orally withdrew the motion to suppress because the parties contemplate entering into a plea agreement that will make a decision on the motion unnecessary.

I. Recommendation

Defendant's "Motion to Suppress Evidence and Statements and Memorandum in Support Thereof" (Docket No. 37) should be denied as moot.

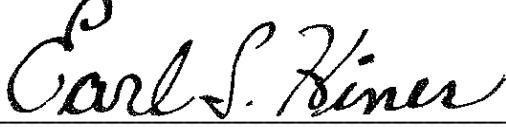
¹ See Referral Order entered on February 29, 2008. (Docket No. 51).

II. Objections

Objections must be: (1) specific, (2) in writing, and (3) served and filed within ten days after being served with a copy of this report. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 1(a), 6(b), and 72(b).

A party's failure to object bars that party from: (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, see Rodriguez v. Bowen, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court. See Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996) (en banc).

SIGNED this 17 day of March, 2008.



Earl S. Hines
United States Magistrate Judge